IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.64 OF 2007
IN
APPEAL FROM ORDER NO.950 OF 2001

Shri Vithal Muktaji Mahale since deceased through his L.Rs. & Ors. ..Applicants.

V/s.

Shri Ishwardas Tulshidas Bairagi & Ors. ..Respondents.

Mr. R.M.Haridas for P.N.Joshi for applicants.

Mr.M.M.Sathaye for respondent Nos. 2a to 2e, 3 to 7.

CORAM: A.M.KHANWILKAR,J

DATE : JANUARY 18, 2007.

P.C. :

1. This application is opposed by the counsel for the respondent Nos.2.a to 2.e and 3 to 7. Counsel for the respondent Nos.1.a to 1.f is not present. Although this application is opposed, in the interest of justice, as the litigant should not suffer for the mistake of the advocate, the same is allowed in terms of prayer clause (a) and (b).

2. Counsel for the contesting respondent Nos. 2.a to 2.e and 3 to 7 prays for costs, as according to him, he was present when the matter was called out. The appellants to pay costs to the respondent Nos. 2.a to 2.e and 3 to 7 quantified at Rs.1,000/-

within one week from today. Amount be deposited in the registry of this court, which will be allowed to be withdrawn by the said respondents.